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C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

**OFFICE OF GENERAL COUNSEL**

TEL.: (803) 898-3349 FAX: (803) 898-3367

176499

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October 20, 2005

**RECEIVED**  
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MAIL / DMS

Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
101 Executive Dr., Ste. 100  
**South Carolina Public Service Commission**  
Columbia, South Carolina 29210

Re: South Carolina Department of Health and Environmental Control v.  
Darren Stevens d/b/a Suburban Water Company; C/A No. 04-CP-32-2838

Dear Mr. Terreni:

Enclosed for filing please find an executed copy of a **Consent Order for Dismissal** in the above referenced matter.

Thank you for your assistance with this matter. Should you have any questions, please feel free to contact us at 898-3349.

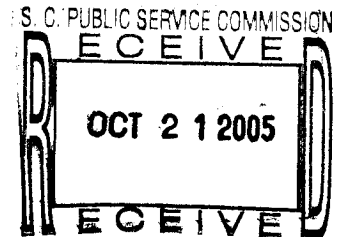
Yours very truly,

Angie Gehr, Paralegal for  
Julie F. McIntyre, Staff Counsel

/alg

Enclosures

cc: Darren Stevens  
Jeffrey M. Nelson, Esq.



**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**Office of General Counsel**

**Columbia Office • 2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3350 • Fax: (803) 898-3367 • [www.scdhec.gov](http://www.scdhec.gov)**

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Enclosures

cc: Darren Stevens  
Jeffrey M. Nelson, Esq.

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIR**

**Office of General Counsel**

**Columbia Office • 2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3350 • Fax: (80**

**COPY**

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF LEXINGTON ) FOR THE THIRTEENTH JUDICIAL CIRCUIT

South Carolina Department of Health )  
and Environmental Control, )  
Plaintiff, )  
-vs- )

2005 OCT 10 P 3: 21

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

Darren Stevens d/b/a Suburban )  
Water Company, )  
Defendant. )

**CONSENT ORDER FOR DISMISSAL**

**WHEREAS**, Plaintiff, South Carolina Department of Health and Environmental

Control (DHEC or the Department), is an agency of the state of South Carolina, vested with all the powers, functions and duties granted to the Department and its officers and agents by statute, and has regulatory authority over management of the State Safe Drinking Water Act, S.C. code Ann. §§ 44-55-10 et seq. (2002) and the Regulations promulgated pursuant thereto, *State Primary Drinking Water Regulations*, 24A S.C. Code Ann. Regs. 61-58 (Supp. 2004) and *Environmental Protection Fees Regulation*, 24A S.C. Code Ann. Regs 61-30 (Supp. 2004); and

**WHEREAS**, Defendant, Darren Stevens d/b/a Suburban Water Company ("Stevens"), is responsible for the proper operation and maintenance of the public water system (PWS) that serves residents of Blacksgate Bundrick, in, Lexington County, South Carolina; and

**WHEREAS**, Defendant Stevens was issued Administrative order 03-186-DW on October 8, 2003, which cited him for violations of the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 et seq. (2002) for failing to: 1) pay the required fees to the

Department for fiscal years 2001 through 2004; 2) monitor for nitrate for the referenced PWS for the 2002 calendar year monitoring period; 3) monitor for lead and copper for the referenced PWS during the January 1, 2003 through June 30, 2003 monitoring period; 4) perform public notification for non-monitoring for nitrate and lead and copper for the referenced PWS; 5) properly operate and maintain the referenced PWS; 6) obtain a permit to construct from the Department prior to installing additional service connections for the referenced PWS; 7) obtain approval from the Department prior to placing additional service connections for the referenced PWS into operation; 8) have an operator of the appropriate grade maintaining the distribution system for the referenced PWS; and 9) comply with Operating Permit No. 3250011 Part II.B, in that Respondent failed to submit to the Department a preliminary engineering report (PER) to address system upgrades as required by the Permit.

**WHEREAS**, Administrative Order 03-186-DW became final as written after Defendant Stevens failed to appeal the order to the Administrative Law Court within the fifteen (15) day period prescribed by S.C. Code Ann. Regs. 61-72 and the Rules of Procedure for the Administrative Law Court; and

**WHEREAS**, in consideration of Defendant Stevens' offer to abandon the referenced PWS in accordance with Public Service Commission procedures and upon notice to customers, Plaintiff DHEC agrees to waive the assessed civil penalty of Thirty-three Thousand, Five Hundred Dollars (\$33,500.00).

**NOW THEREFORE IT IS ORDERED, CONSENTED TO AND AGREED** that Defendant Stevens will do the following:

- (1) No later than November 1, 2005, notify, in writing, the remaining residents who remain on the Suburban Water System, that the System will be closed and

that the residents must find an alternative water source, and also provide the residents with a reasonable period of time for them to locate that source.

- (2) No later than thirty (30) days after notification by the Department that all residents are either connected to an alternative source or have failed to timely seek an alternative source, abandon the existing Suburban Water System, Permit # 325001, by physically disconnecting each service connection and then contact the Department's Region 3, Environmental Quality Control office at (803)896-0620 to schedule a date and time to verify proper abandonment of the distribution system. Defendant Stevens agrees that residents are authorized to disconnect their individual distribution lines in order to connect to an alternative water source and Defendant Stevens will verify that such disconnections have been accomplished.
- (3) No later than thirty (30) days after notification by the Department that all residents are either connected to an alternative source or have failed to timely seek an alternative source, either have the well properly abandoned by a South Carolina certified licensed well driller and submit a copy of the completed well log close out for 1903 to the Department or have the well connected to one residence for use as a residential well and contact the Department's Region 3 Environmental Quality Control office at (803)896-0620 to schedule a date and time to verify proper abandonment of the well or to verify that the well is a residential well.
- (4) Pay the balance of the annual drinking water fees owed for the fiscal years 2003, 2004, 2005, and 2006, which total **Four Thousand, Two Hundred Seventy-three Dollars and Twenty-eight Cents (\$4,273.28)**. The fees shall be paid in twelve (12) consecutive monthly installments. The first eleven (11) payments of **Two Hundred Dollars (\$200.00)** shall be submitted to the Department on the fifteenth (15<sup>th</sup>) of each month, and each month thereafter, beginning on January 15, 2006 and ending on November 15, 2006. The last and twelfth (12<sup>th</sup>) payment of **Two Thousand, Seventy-three Dollars and Twenty-eight Cents** will be made on December 15, 2006 and will constitute the annual drinking water fees as being paid-in-full.

**IT IS FURTHER ORDERED, CONSENTED TO, AND AGREED** that with this Consent Order of Dismissal, the issues underlying Administrative Order 03-186-DW are resolved and this proceeding is hereby dismissed.

**IT IS ALSO FURTHER ORDERED, CONSENTED TO, AND AGREED**, that if Defendant Stevens does not comply with every provision of this Order, that the entire waived

civil penalty (\$33,500.00), will be re-instated and that Plaintiff DHEC reserves the right to re-institute civil action against Defendant for non-compliance with this Order.

**AND IT IS SO ORDERED.**

/S/ WILLIAM P. KEESLEY

Presiding Judge of the ~~Thirteenth~~ Judicial Circuit  
Eleventh

**WE CONSENT,**



Darren Stevens for  
Darren Stevens d/b/a Suburban Water Company

October 4, 2005  
~~/S/ WILLIAM P. KEESLEY~~

Date

29 Sept 05  
Date

Etta R. Williams

Etta R. Williams  
Attorney for SCDHEC  
South Carolina Department of Health  
And Environmental Control  
2600 Bull Street  
Columbia, SC 29201-1708

September 29, 2005  
Date

Julie McIntyre

Julie McIntyre  
Attorney for SCDHEC  
South Carolina Department of Health  
And Environmental Control  
2600 Bull Street  
Columbia, SC 29201-1708

September 29, 2005  
Date